

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital: the 23st day of February, 2005

Bail application No. 1034 of 2004

**Order on Bail Application of
accused.**

CRIMINAL SIDE

Azad S/o Muslim

R/o Village - Ghorewala (Majra Bharapur)

Police Station - Jwalapur

District - Haridwar

... Applicant.

Versus

State of Uttarakhand

... Opposite Party

Arising out of case crime No. 44 of 2004

U/S 302/34 I.P.C.

Police Station - Jwalapur

District – Haridwar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime no. 44 of 2004, U/S 302/34 I.P.C., Police Station – Jwalapur, District – Haridwar.

Heard Sri S.P.S. Panwar - Sr. Advocate, learned counsel for the applicant, Sri K.S. Verma & I.S. Mehra, learned counsels for the complainant, learned A.G.A. for the State and perused the record.

The F.I.R. shows that the applicant has fired at deceased, Israr which hit him and resulted his death.

The F.I.R. is quite prompt as the incident is alleged to have taken place at 12:00 in the night while the report in the Police station was lodged at 2:45 a.m. The distance of the Police Station from the place of occurrence is 14 kms. only.

Further, the post-mortem report shows that there was fire-arm wound of entry and fire-arm wound of exit on the person of the deceased.

Keeping in view the specific role assigned by the applicant as well as the corroboration by the medical evidence, I am of the view that the applicant is not entitled to be released on bail at this stage.

Accordingly, the bail application is rejected.

(B.C. Kandpal, J.)

February 23, 2005

Shiv